

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

FILED

AUG 19 2019

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON LEE ROMERO,

Defendant.

CR 15-19-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Brandon Lee Romero (Romero) has been accused of violating the conditions of his supervised release. Romero admitted all of the alleged violations. Romero's supervised release should be revoked. Romero should be placed in custody for 4 months, with 20 months of supervised release to follow. Romero should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana.

II. Status

Romero pleaded guilty to Assault Resulting in Serious Bodily Injury on June 30, 2015. (Doc. 47). The Court sentenced Romero to 27 months of custody, followed by 2 years of supervised release. (Doc. 64). Romero's current term of

supervised release began on December 6, 2017. (Doc. 103 at 1).

Petition

The United States Probation Office filed an Amended Petition on July 18, 2019, requesting that the Court revoke Romero's supervised release. (Doc. 103). The Amended Petition alleged that Romero had violated the conditions of his supervised release: 1) by consuming alcohol; 2) by possessing controlled substances; and 3) by failing to report to his probation officer as directed.

Initial appearance

Romero appeared before the undersigned for his initial appearance on August 15, 2019. Romero was represented by counsel. Romero stated that he had read the petition and that he understood the allegations. Romero waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on August 15, 2019. Romero admitted that he had violated the conditions of his supervised release: 1) by consuming alcohol; 2) by possessing controlled substances; and 3) by failing to report to his probation officer as directed. The violations are serious and warrant

revocation of Romero's supervised release.

Romero's violations are Grade C violations. Romero's criminal history category is I. Romero's underlying offense is a Class C felony. Romero could be incarcerated for up to 24 months. He could be ordered to remain on supervised release for up to 36 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Romero's supervised release should be revoked. Romero should be incarcerated for 4 months, with 20 months of supervised release to follow. Romero should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Romero that the above sentence would be recommended to Judge Morris. The Court also informed Romero of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Romero that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Romero stated that he wished to

waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Brandon Lee Romero violated the conditions of his supervised release by consuming alcohol, by possessing controlled substances, and by failing to report to his probation officer as directed.

The Court **RECOMMENDS:**

That the District Court revoke Romero's supervised release and commit him to the custody of the United States Bureau of Prisons for 4 months, with 20 months of supervised release to follow. Romero should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a

district court judge.

DATED this 19th day of August, 2019.



John Johnston
United States Magistrate Judge